

### **REMARKS**

In the patent application filed concurrently herewith, Claims 1-41 were presented for consideration. Applicants wish to apprise the Examiner that Claims 1, 21, and 41 substantially correspond to allowed Claims 1 and 36 of the parent application, Serial No. 10/098,752 with a few additional limitations. First, in the present application, independent Claims 1, 21, and 41 are limited to use only in human subjects, while the claims of the parent application contain no such limitation as to the subject species. Support for the limitation of a human subject may be found on pg. 6, ln. 6-9 of the specification. Additionally, Claims 1 and 21 include the further limitation of peak oxybutynin metabolite concentrations. Such limitations can be found in allowed Claims 12 and 47 of the parent application. Claim 41 also contains this limitation, and further includes the limitations of a transdermal patch having a size in a range of from 13 cm<sup>2</sup> to 49 cm<sup>2</sup>, a duration of administration of from about 24 to about 96 hours, and an effective amount of a permeation enhancer selected from the group consisting essentially of: fatty acids, fatty acid esters, fatty alcohols, fatty acid esters of lactic acid or glycolic acid, glycerol di- and monoesters, short chain alcohols, and mixtures thereof. Support for the limitation of a patch size in this range may be found on pg. 18, ln. 21-24 of the specification. Support for the limitation of administration duration may be found on in allowed Claims 73-74 of the parent patent application, as well as throughout the specification, including FIG. 3. Support for the enhancer limitation may be found *inter alia* on pg. 17, ln. 9-15 of the specification.

Applicants wish to further note that all remaining Claims 2-20 and 22-40 depend from the above-recited independent Claims 1 and 21, and that Claims 2-7 correspond to previously allowed

Claims 2-3, 5-6, and 52-53 respectively, Claims 22-27 correspond to previously allowed Claims 37-38, 40-41, and 57-58 respectively, and that Claims 8-20 and 28-41 have been newly added. Applicants submit that Claims 8-11 and 28-31 substantially correspond to allowed Claims 13, 48, 70, 71, 72, and 74 of the parent application, and that support for such new claims may be found *inter alia* on pg. 2, ln. 27-28; pg. 3, ln. 10-12; pg. 11, ln. 19-21; and pg. 14, ln. 9-pg. 15, ln. 14 of the specification. Additionally, support for new Claims 12-15 and 32-35 may be found in allowed Claims 73 and 74 of the parent patent application, and throughout the specification, including FIG. 3. Further, support for Claims 16-20 and 36-40 may be found *inter alia* on pg. 18, ln. 9-10; and pg. 21, ln. 33-pg. 22, ln. 2, of the specification.

In view of the foregoing, Applicants respectfully submit that present Claims 1-41 are fully supported by the originally filed specification, that as such claims present a narrower scope of subject matter than those of the parent application, and that they are patentably distinct therefrom. However, in the event that it is deemed that the filing of a terminal disclaimer is necessary to prevent an obviousness-type double patenting rejection, or if any other issues arise to prevent the prompt allowance of the present claims, the Examiner is invited to telephone Mr. David Osborne, or in his absence, the undersigned attorney at (801) 566-6633 so that a terminal disclaimer can be prepared and filed, or such other issues can be resolved as expeditiously as possible.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 20-0100.

DATED this 8<sup>th</sup> day of December, 2003.

Respectfully submitted,

THORPE NORTH & WESTERN, LLP

A handwritten signature in black ink, appearing to read "M. Wayne Western", written in a cursive style.

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